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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CYNTHIA MENDEZ,

No. CV 04-01663-RS

Plaintiff,

V
S

**STIPULATION AND ORDER
AWARDING ATTORNEY FEES
UNDER THE EQUAL ACCESS TO
JUSTICE ACT (28 U.S.C.
§ 2412(d)) AND COSTS (28 U.S.C. §
1920)**

MICHAEL J. ASTRUE,
Commissioner,
Social Security,

Defendant.

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that counsel for plaintiff be awarded fees under the Equal Access to Justice Act (EAJA) in the amount of THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200) and costs in the amount of ONE HUNDRED SEVENTY-THREE DOLLARS AND SIXTY-NINE CENTS (\$173.69). This amount represents compensation for all legal services rendered on behalf of plaintiff by her attorney in connection with this civil action for services performed before the district court and before the agency following the sentence six remand, in accordance with 28 U.S.C. §§ 1920 and 2412(d).

This stipulation constitutes a compromise settlement of plaintiff's request for EAJA attorney

1 fees and costs, and does not constitute an admission of liability on the part of defendant under the
2 EAJA. Payment of THREE THOUSAND TWO HUNDRED dollars (\$3,200) in fees and ONE
3 HUNDRED SEVENTY-THREE DOLLARS AND SIXTY-NINE CENTS (\$173.69) shall constitute
4 a complete release from and bar to any and all claims, rights, causes of action, liens or subrogated
5 interests relating to attorneys fees and costs incurred in this action under EAJA.

6 The settlement of Plaintiff's claim for EAJA attorney fees does not preclude Plaintiff's
7 counsel from seeking attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, subject to
8 the offset provisions of the law.

9
10 Respectfully submitted,

11 Dated: April 4, 2007
12 By: /s/ harvey sackett
13 (As authorized via facsimile on April 4, 2007)
14 HARVEY SACKETT
15 Attorney at Law
16
17 Attorney for Plaintiff

18 SCOTT N. SCHOOLS
19 United States Attorney
20 LUCILLE GONZALES MEIS
21 Regional Chief Counsel

22 Dated: April 11, 2007
23 By: /s/ geralyn a. gulseth
24 GERALYN A. GULSETH
25 Special Assistant United States Attorney
26 Attorneys for Defendant

27 PURSUANT TO STIPULATION, IT IS SO ORDERED:
28
29 Dated: 4/27/07
30 
31 RICHARD SEEBORG
32 United States Magistrate Judge